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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,510	09/02/2005	Stephan Hase	101215-175	9230
27387 7590 01/08/2008 NORRIS, MCLAUGHLIN & MARCUS, P.A. 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022			EXAMINER JANAKIRAMAN, NITHYA.	
			ART UNIT 2123	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,510	Applicant(s) HASE ET AL.	
	Examiner Nithya Janakiraman	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-9, 11-15, 17-19, 22-24 and 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-9, 11-15, 17-19, 22-24 and 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the submission filed on 11/27/2007. Claims 2-4, 6-9, 11-15, 17-19, 22-24, and 26-33 are presented for examination.

Response to Arguments- Objections

1. Applicant's amendments, see page 11, filed 11/27/2007, with respect to claims 9, 15, 18, and 19 have been fully considered and are persuasive. The rejections of claims 9, 15, 18, and 19 have been withdrawn.

Response to Arguments- 35 U.S.C §112

2. Applicant's amendments, see page 11, filed 11/27/2007, with respect to claims 6, 8 and 9 have been fully considered and are persuasive. The rejections of claims 6, 8 and 9 have been withdrawn.

Response to Arguments- 35 U.S.C §102

3. Applicant's arguments with respect to "a method for simulating order processing processes used for producing a product available in a plurality of versions or a plurality of selectable features" have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to performing "a first simulation of demand quantities, and then a second simulation of demand quantities based in part upon the demand quantities of the first simulation, and then match actual orders or actual dealer specifications for

a finished good with the 'updated demand quantities' that result from the second simulation", have been fully considered but they are not persuasive.

5. Brown discloses generating a first simulation of work center orders (demand quantities) on page 9, lines 19-28 and page 10, lines 7-27. The planner then modifies the first work center orders (to make the adjusted second demand quantities) on page 16, lines 1-10 and Figure 8, element **830**. Finally, the orders are matched by taking the modified order (orders for FG1) to generate actual orders (M1, M2) as seen in Figure 3, element **310.1**. Rejection maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6-9, 11-15, 17-19, 22-24, and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 94/01826 (hereinafter Brown), in view of "Simulation of Order Fulfillment in Divergent Assembly Supply Chains" (hereinafter Strader).

7. Brown discloses a method of simulating supply chain management and material production (*see page 3, lines 17-24*). However, Brown does not disclose that the material, or product, can be available in a plurality of versions with a plurality of selectable features.

8. Strader discloses the concept of customizable products, and the "make-to-order" strategy (*see page 13, section 4.20*).

9. Brown and Strader are analogous art because they are both related to the field of supply chain management and order processing.

10. Therefore, it would have obvious to one having ordinary skill in the art to combine the product customization of Strader with the simulation of order processing of Brown, because "supply chains have a primary business objective of product customization to fulfill customer orders" (*Strader*, section 4.22).

11. Regarding claim 22 (18 and 19), Brown and Strader teach:

Method for simulating order processing processes (*Brown*: page 3, "simulates the production of materials given inventories and orders to outside suppliers") used for producing a product available in a plurality of versions or a plurality of selectable features (*Strader*: 4.20, "customized products...make-to-order strategy can be applied to high-customization firms") comprising the steps:

a) entering into a data processing device demand quantities for at least one class of the product for at least one predefined first forecast period of time (*Brown*: page 6, line 18 "facility receives...orders", lines 17-24; page 10, line 23, "due date"), wherein the demand quantities specify at least one of a version and a feature of a product (*Strader*: 4.20, "customized products...make-to-order strategy can be applied to high-customization firms");

b) automatically adjusting, through use of a computer program installed on a data processing device, the demand quantities with predefined datasets representative of at least one of manufacturing capacities and supplier capacities (*Brown*: page 16, lines 1-10, "modify the data"), and determining at least one of approved firm order allocations and approved modular allocations; (*Brown*: Figure 8, 830, "modify data");

c) generating updated demand quantities for a predefined second forecast time period by evaluating the adjusted demand quantities for the first period and at least one of the approved firm order allocations, the approved modular allocations and simulated buyer orders newly received by dealers (*Brown*: page 16, lines 1-10; Figure 8, 830);

d) adjusting the updated demand quantities with respect to restrictions of at least one of production sites and suppliers, and automatically allocating at least a portion of the adjusted updated demand quantities to the production sites (*Brown*: page 9, lines 19-28, "Capacity Resource Planning", "supplier schedule to satisfy these orders");

e) simulating at least one of production and supply for the production based on the allocation in

step (d) (*Brown: page 3, lines 17-20, "simulates the production of materials given inventories and orders to outside suppliers"*);

f) automatically determining distribution channels and simulating distribution of finished products from the production sites to delivery locations (*Brown: page 9, "Capacity Resource Planning"; page 3, lines 17-20, "simulates the production of materials given inventories and orders to outside suppliers"*);

g) matching of the adjusted, updated demand quantities with at least one of an actual customer order and an actual dealer specification of a finished product (*Strader: 4.20, "customized products...make-to-order strategy can be applied to high-customization firms"*), wherein the at least one of the actual customer order and the actual dealer specification is assigned to a matching, adjusted, updated demand quantity not yet assigned to an actual customer order or an actual dealer specification (*Brown: the modified order (orders for FG1) generates actual orders (M1, M2) as seen in Figure 3, element 310.1*);

h) generating assumption data representative of at least the adjusted, updated demand quantities assigned to the at least one actual customer order and actual dealer specification (*Brown: the modified order (orders for FG1) generates actual orders (M1, M2) as seen in Figure 3, element 310.1*); and

i) outputting the assumption data to the production sites (*Brown: page 5, line 2, lines 10-13; page 6, lines 17-20; necessarily, data would be sent to the manufacturing facility in order to create FG1 and FG2*).

12. Regarding claim 2, Brown and Strader teach:

Method according to claim 22, characterized in that the data sets used in the automatic adjustment of the demand quantities in step b) include restrictions with respect to at least one of the production sites and the suppliers (*Brown: page 9, lines 19-28*).

13. Regarding claim 3, Brown and Strader teach:

Method according to claim 22, characterized in that the demand quantities in step a) are determined by defining a first demand forecast for a first forecast time period, determining a second demand forecast for a second forecast time period by using stochastic processes derived from the first forecast, and determining the demand quantities according to predefined algorithms which evaluate at least one of the first and the second demand forecasts (*Brown: page 6, lines 11-24*).

14. Regarding claim 4, Brown and Strader teach:

Method according to claim 22, characterized in that the automatic adjustment in step b) includes a correction of the demand quantities so as to match the demand quantities to at least one of the manufacturing capacities and the supplier capacities (*Brown: page 9, lines 19-23*).

15. Regarding claim 6, Brown and Strader teach:

Method according to claim 22, characterized in that the generating of the updated demand numbers for the predefined time period includes evaluating daily assumptions (*Brown: page 16, lines 5-10*).

16. Regarding claim 7, Brown and Strader teach:

Method according to claim 22, characterized in that the automatic allocation of the portion of the updated demand quantities to the production sites includes compiling daily schedules for the production sites (*Brown: page 10, lines 17-18*).

17. Regarding claim 8, Brown and Strader teach:

Method according to claim 6, characterized in that the automatic allocation of the portion of the updated demand quantities to the production sites includes breaking up the products specified in the daily assumptions into their modules (*Brown: Figure 1, FG2*).

18. Regarding claim 9, Brown and Strader teach:

Method according to claim 22, characterized in that the updated demand quantities include information about an significant equipment feature of the products (*Brown: page 10, lines 17-27, "inventory parts"*).

19. Regarding claim 11, Brown and Strader teach:

Method according to claim 22, characterized in that, in step (d), the restrictions of the productions sites include at least one of capacity limitations, work schedule models, and permanent staffing (*Brown: page 10, line 22, "overloaded"*).

20. Regarding claim 12, Brown and Strader teach:

Method according to claim 1, characterized in that dealers include domestic market dealers and importers (*Brown: page 2, lines 5-9*).

21. Regarding claim 13, Brown and Strader teach:

Method according to claim 22, characterized in that the distribution channels are subdivided into distribution sub-channels (*Brown: page 3, lines 17-24*).

22. Regarding claim 14, Brown and Strader teach:

Method according to claim 1, characterized in that the generating of the updated demand quantities is based on at least one of quantitative evaluations of process designs, assessments of strategies, times for freezing orders, delivery times, delivery reliability, utilization of transportation means and costs (*Brown: page 9, lines 19-28*).

23. Regarding claim 15, Brown and Strader teach:

Method according to claims 22, characterized in that in step (c), the evaluating is performed using data obtained from databases of real systems (*Brown: page 9, lines 19-28*).

24. Regarding claim 17, Brown and Strader teach:

Simulation system according to claim 29, characterized in that the simulation system includes interfaces to databases of real systems (*Brown: page 9, lines 19-28*).

25. Regarding claim 23, Brown and Strader teach:

Method according to claim 22, where the product is a motor vehicle (*page 3, inherently the materials can make up any product, including motor vehicles*).

26. Regarding claim 24, Brown and Strader teach:

Method according to claim 22, where the assumption data comprises freeze point data, where a freeze point is a latest possible date when a change to at least one of the customer orders and the dealer specifications is insertable in a production process (*Brown: page 20, lines 1-17*).

27. Regarding claim 26, Brown and Strader teach:

Method according to claim 25, wherein the first forecast time period is a year of sales, the second forecast time period is three months and the predefined time period is a delivery week (*Brown: page 6, lines 11-16; inherently, the schedules can be any length*).

28. Regarding claim 27, Brown and Strader teach:

Method according to claim 14, wherein the assessments of strategies include managing disruptions (*Brown: page 10, lines 17-34*).

29. Regarding claim 28, Brown and Strader teach:

Method according to claim 15, wherein the databases of real systems include databases of at least one of the dealers and production sites (*Brown: page 9, lines 19-30*).

30. Regarding claim 29, Brown and Strader teach:

A simulation system for simulating order processing processes used for producing a product (*Brown: page 3, lines 17-20*) available in a plurality of versions or a plurality of selectable features (*Strader: 4.20, "customized products...make-to-order strategy can be applied to high-customization firms"*), the system comprising:

a forecast module, a production module, a distribution module and an assumption module under control of a computer program implemented on a computer system (*Brown: page 4, lines 1-32*), wherein the forecast module is for:

receiving demand quantities for at least one class of the product for at least one predefined period of time (*Brown: page 6, line 18 "facility receives...orders", lines 17-24; page 10, line 23, "due date"*);

automatically adjusting the demand quantities with predefined datasets representative of at least one of manufacturing capacities and supplier capacities, and determining at least one of approved firm order allocations and approved modular allocations (*Brown: page 16, lines 1-10, "modify the data"*);

generating updated demand quantities for the predefined time period by evaluating at least one of the approved firm order allocations, the approved modular allocations and simulated buyer orders newly received by dealers (*Brown: page 16, lines 1-10; Figure 8, 830*); and

adjusting the updated demand quantities with respect to restrictions of at least one of production sites and suppliers, and automatically allocating at least a portion of the updated demand

quantities to the production sites (*Brown: page 9, lines 19-28, "Capacity Resource Planning", "supplier schedule to satisfy these orders"*);

wherein the production module is for simulating at least one of production and supply for the production based on the allocating performed in the forecast module (*Brown: page 3, lines 17-20, "simulates the production of materials given inventories and orders to outside suppliers"*);

wherein the distribution module is for automatically determining distribution channels and simulating distribution of finished products from the production sites to delivery locations (*Brown: page 31, lines 7-12*); and

wherein the assumption module is for generating assumption data representative of a simulated matching of the updated demand quantities with at least one of customer orders (*Brown: the modified order (orders for FG1) generates actual orders (M1, M2) as seen in Figure 3, element 310.1*).

31. Regarding claim 30, Brown and Strader teach:

Simulation system according to claim 17, wherein the databases of real systems includes databases of at least one of the dealers and production sites (*Brown: page 9, lines 19-30*).

32. Regarding claim 31 (and 32), Brown and Strader teach:

The computer program product of claim 18, wherein the process for simulating order processing processes is for producing a motor vehicle (*Brown: page 3, lines 17-24, inherently, a motor vehicle is a possible product in Brown*).

33. Regarding claim 33, Brown and Strader teach:

The method of claim 22, wherein the matching of step g) further comprises: comparing the at least one of the actual customer order and the actual dealer specification (*Strader: 4.20, "customized products...make-to-order strategy can be applied to high-customization firms"*), in the reverse order that the dealers receive the at least one of the actual customer order and the actual dealer specification, with the adjusted, updated demand quantities not yet assigned to an actual customer order or an actual dealer specification (*Brown: the modified order (orders for FG1) generates actual orders (M1, M2) as seen in Figure 3, element 310.1*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nithya Janakiraman whose telephone number is 571-270-1003.

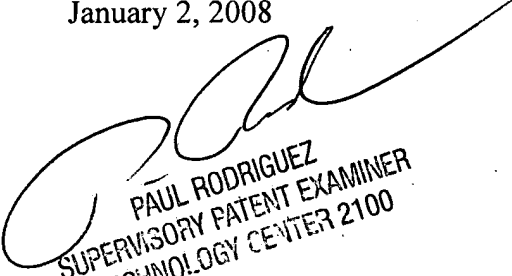
The examiner can normally be reached on Monday-Thursday, 8:00am-5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on (571)272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nithya Janakiraman
Art Unit 2123
January 2, 2008

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